

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Parts 2 and 15
to Prohibit Marketing of Radio
Scanner Capable of Intercepting
Cellular Telephone Conversations

ET Docket No. 93-1

To: The Commission

REPLY

NYNEX Mobile Communications Company ("NMCC"), by its attorneys, hereby submits its Reply Comments in the above captioned proceeding.

The privacy of cellular communications is a vital objective of the cellular industry. To further that goal, NMCC joins with the majority of commenting parties in general support of the Commission's proposed rules to implement Section 403(a) of the Telephone Disclosure and Dispute Resolution Act, which bars the manufacture or importation of scanning receivers capable of receiving cellular transmissions, or which are "ready alterable" to receive such transmissions.

Specifically, NMCC concurs with the position advanced by the Cellular Telecommunications Industry Association (CTIA Comments, Pg. 3) and Southwestern Bell (SWB Comments, Pg. 4) that the

implementing rules, in order to be effective against "readily alterable" scanners, must rely not on blocking components or devices external to the scanner's microprocessor chip to block cellular frequencies, but must, instead, focus on the chip itself. The design of the chip must be such as to render the equipment incapable of tuning cellular transmissions. In addition, the chip must not be easily removable or replaceable, as would be a chip which is merely plugged into the equipment. In that regard we believe, as does BellSouth, that a chip is sufficiently secure to prevent alteration only if "it cannot be removed or reprogrammed without risking destruction of other circuitry". (BellSouth Comments, Pg. 7).

As a further prophylactic measure, we support the proposal which would require the manufacturer and importer of equipment to not only certify to the Commission that the equipment is not "readily alterable", but to explain to the Commission why the particular equipment cannot be readily altered. (CTIA Comments, Pg. 8; SWB Comments, Pg. 3). This sharing of information would be an important step in reducing confusion, misunderstanding, and ultimately, the risk to the manufacturer and importer, with respect to the compliance of a specific product.

As NMCC is mindful of the necessity of ensuring the privacy of cellular communications, so too, does it recognize its duty to insure the quality of those communications. That, in turn, can only be done through the use of test equipment which would themselves be capable of receiving cellular frequencies. In that

connection, we, like BellSouth, ask the Commission to explicitly state that the use of test equipment by cellular licensees for the legitimate measuring, testing and servicing of the cellular system is not prohibited by the statute.¹

For the reasons set forth above, NMCC supports the adoption of rules which, taken together, strike a necessary balance between the need to crack down on cellular scanning, and the requirement of system monitoring by authorized personnel. If that position is adopted, the cellular consumer will be the beneficiary of the enhanced security and quality which will result therefrom.

Respectfully Submitted,

NYNEX Mobile Communications Company

By 
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By Stephen B. Wiznitzer

Its Attorneys

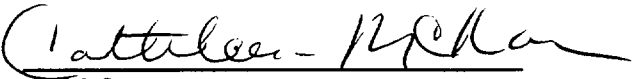
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March 8, 1992

¹ The Commission may also want to make clear that its rules do not apply to equipment used by law enforcement engaged in the interception of cellular communications "pursuant to lawful authority". (BellSouth Comments, Pp. 5-6).

CERTIFICATE OF SERVICE

I, Cathleen McNamee, hereby certify that on this 5th day of March, 1993, a copy of the foregoing Reply Comments was served upon the individuals contained in the following List by first-class mail from Orangeburg, New York.


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